

**LANDSCAPE ARCHITECTS SECTION**  
**Examining Board of Architects, Landscape Architects, Professional Engineers,**  
**Designers and Land Surveyors**  
**MINUTES**  
**MADISON, WISCONSIN**  
**APRIL 14, 2004**

**PRESENT:** Jay Fernholz, Ruth G. Johnson, Wayne G. Tlusty, and Rosheen Styczinski

**EXCUSED:** Bernie Abrahamson

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, Colleen Baird, Legal Counsel, Pat Schenck, Program Assistant, Judy Mender, Credentialing Staff, Jan Bobholz Credentialing Supervisor, Barbara Showers, Director, Office of Education and Examinations, Darwin Tichenor, Exam Specialist and Division of Enforcement Staff.

**GUESTS:** Rick Rettler

**CALL TO ORDER**

Jay Fernholz, Chair, called the meeting to order at 9:50 a.m. A quorum of four members was present.

**AGENDA**

Rick Rettler thanked the Section for having the opportunity to serve as a member and gave a brief overview of issues the Section has worked on in the past and offered to help the Section on any future issues if needed. Mr. Rettler is attending the meeting today but not as a voting member.

Mr. Fernholz introduced the new Section member Rosheen Styczinski. Introductions went around the table with each member giving a brief background of their profession and interest. Colleen Baird, Attorney, introduced herself as the Sections new legal counsel.

**MOTION:** Ruth G. Johnson moved, seconded by Wayne Tlusty, to adopt the agenda as written. Motion carried unanimously.

**ELECTION OF OFFICERS FOR 2004**

**MOTION:** Ruth G. Johnson moved, seconded by Rosheen Styczinski, to unanimously nominate and elect Jay Fernholz as Chair. Motion carried unanimously.

**MOTION:** Rosheen Styczinski seconded Ruth G. Johnson, to unanimously nominate and elect Wayne Tlusty as Vice-Chair. Motion carried unanimously.

**MOTION:** Rosheen Styczinski moved, seconded by Wayne Tlusty, to unanimously nominate and elect Ruth G. Johnson as Secretary. Motion carried unanimously.

### **APPOINT BOARD REPRESENTATIVES FOR SCREENING PANEL**

Jay Fernholz called for representatives for the screening panel.

**MOTION:** Rosheen Styczinski moved, seconded by Ruth G. Johnson, to nominate Wayne Tlusty to the screening panel. Motion carried unanimously.

### **MINUTES (APRIL 9, 2003)**

#### **Amendment to the minutes:**

- Page two - Wayne Tlusty Rib Lake
- Page two - eliminate LSA in two places in the last Motion.

**MOTION:** Ruth G. Johnson moved, seconded by Wayne Tlusty to approve the minutes of April 9, 2003 as amended. Motion carried unanimously.

### **ADMINISTRATIVE REPORT JERRY LOWRIE, BUREAU DIRECTOR SECTION ROSTER**

Ruth G. Johnson has a new E-mail address: [snowboundgif@aol.com](mailto:snowboundgif@aol.com)

### **2004 MEETING DATES**

Mr. Fernholz discussed the length of time between scheduled Section meeting dates and requested that the Department consider allowing the Section to meet four times a year once the Department's budget returns to normal.

Rosheen Styczinski may have a conflict with the October 7 meeting date. The October 7 meeting date is based on exam deadlines.

### **CHANGES TO ADMINISTRATIVE RULE MAKING PROCEDURES 2003 WISCONSIN ACT 118**

Jerry Lowrie reported on the new "Changes to Administrative Rule-Making Procedures Required in 2003 Wisconsin Act 118." These changes will require more research regarding rule-making procedures. Some changes include private sector fiscal estimates, additions to scope statements, additions to draft rule reports and additions to legislative reports.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

### **NEW CHANGES TO DRL BLUE LICENSE FORMAT**

Jerry Lowrie reported that on April 1, 2004 the blue renewal license form and the temporary license was changed to be the bottom third of a full-size sheet of paper. It has horizontal and vertical perforations to remove it from the rest of the sheet. While the sizing is a bit different for the bigger part of the license, it is quite close in shape to what we currently had and the wallet card will be the same size. Advantages are:

1. Licenses printed from regular laser printers.
2. Several security features in the paper the Department is purchasing, including the watermark on the back and some invisible fibers.
3. Ability to print one mailing address at the top of the form and a different physical address on the actual license (This is great for establishments that cannot receive mail at the actual location).
4. Additional sequence numbering allowed above the mailing address, which will help in the machine inserting process at DOA at renewal time.

### **TRAVEL**

#### **CLARB ANNUAL MEETING, SEPTEMBER 24-25, 2004, PHILADELPHIA PA**

Mr. Fernholz is a member of the CLARB Board of Directors and his travel expenses for CLARB's Annual Meeting in Philadelphia PA will be covered by CLARB. Mr. Fernholz will not be running for Region II director for the next term.

**MOTION:** Wayne Tlusty moved, seconded by Ruth G. Johnson to nominate Rosheen Styczinski to attend and represent the Section at the CLARB Annual Meeting, September 24-25<sup>th</sup>, 2004 in Philadelphia PA. Motion carried unanimously.

### **EXAMINATION/LEGISLATIVE ISSUES**

#### **DISCUSSION OF REQUIREMENTS FOR EXAMINATION AND EXPERIENCE HOURS**

Mr. Fernholz led the discussion on requirements for licensure. The Section discussed Chapters 443.035 and 443.09 stats. to determine if the statutes need to be amended to allow a candidate to sit for the examination before the experience years have been obtained. Most jurisdictions only require a degree, but Wisconsin requires a degree plus two years of experience prior to taking the examination.

A laser grade exam reduced the cost for a candidate to take the examination through laser grade test centers or regional test centers and the travel time was less.

Mr. Fernholz discussed changing the administrative rule but leaving Chapter 443.035 and 443.09 stats. as written. Change A-E 9.05(2) "Requirements for entrance to the examination" to state that applicants only need a degree prior to being eligible to write the examination so a candidate can sit for the examination prior to obtaining the experience hours. The current rules will not allow a candidate to take any parts of the examination until they have obtained the experience hours. The Section suggested eliminating the experience hours prior to being eligible to sit for the examination then add a time frame for obtaining experience hours prior to licensure provided the Board agrees that it's not particular in which order the applicant completes the requirements for a license.

Mr. Fernholz will discuss this issue before the AE Joint Board Rules Committee and the A-E Joint Board to request that a scope statement is processed to change the rule. The Board must determine if this change will require a statutory change or just an administrative rule change as the administrative rules interpret the statutes. The Section will discuss this issue further at the October 7, 2004 Section meeting.

CLARB has a flag at the beginning of the exam for candidates from certain jurisdictions. Section A, B, and D (computer exam) is offered in August and March, C & E (the paper and pencil exam) is offered in June and December. Upon completion of the exam, candidates must obtain experience hours within four years or be required to retake the examination.

The Section requests that the Department notify CLARB to have them inform candidates that just passing the examination does not make them eligible for licensure in Wisconsin unless they meet the experience requirements.

### **CLARB REPORT ON CLARB, JAY FERNHOLZ**

Mr. Fernholz addressed the changes that CLARB has instituted regarding examinations. CLARB announced at their National Meeting held on September 11-13, 2003 that they are moving forward with implementation of computerized testing for the Landscape Architect Registration Examination (hereafter referred to as C/LARE).

A proposed Administrative Schedule for the computerized testing was sent to Member Boards by E-mail, listing the testing schedule for 2004-2005. This schedule eliminates the paper and pencil administration of the multiple-choice sections in June 2004 and the elimination of the December administration in 2006.

CLARB moving forward as administrator for computerized testing is in direct conflict with the laws of other jurisdictions. This may have an adverse impact on the function and role of the state boards. The Section reviewed South Carolina's response to CLARB's implementation of computerized testing.

**THE PRACTICE ACT  
DISCUSSIONS OF “PRACTICE STATE” VERSUS A “TITLE STATE” IN WISCONSIN**

The Section reviewed a “Licensure Fact Sheet” from the American Society of Landscape Architects regarding a practice act prohibiting an unqualified individual from calling themselves a landscape architect and from practicing the profession. Enactment of a practice act is important for public health, safety, welfare, fair competition, economic impact, and more unlicensed professionals will be motivated to become registered. Currently many simply do not bother because registration conveys a title only, increased visibility and understanding of the profession will grow, and the number of registered landscape architects grows.

**ADMINISTRATIVE RULES  
CONTINUING EDUCATION**

The Section reviewed a state-by-state analysis of continuing education requirements for landscape architects. Twenty states currently have continuing education requirements for landscape architects.

**CHEATING ON EXAMINATIONS – RL 4 – JERRY LOWRIE**

The Department’s universal cheating policy RL 4 rule will create consistency and efficiency regarding discipline. Boards will still use their discretion regarding discipline.

**UNAUTHORIZED PRACTICE OF LAW**

The new definition of law may have an impact on how professions within the Department can conduct business. Some of the practices may constitute the unauthorized practice of law because they may be giving legal advice.

The State Bar wants a committee to establish a new definition of law and to define what is not the practice of law. The Supreme Court is considering appointing a committee to promulgate rules and establish a regulatory system related to the unauthorized practice of law.

**SECTION MEMBER ACTIVITY  
MISCELLANEOUS CORRESPONDENCE  
NEW BUSINESS**

None.

**CLOSED SESSION**

**MOTION:** Ruth G. Johnson moved, seconded by Rosheen Styczinski , to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote:

Jay Fernholz-yes, Ruth G. Johnson-yes, Wayne G. Tlusty-yes, and Rosheen Styczinski-yes.

Open session recessed at 11:53 a.m.

### **RECONVENE IN OPEN SESSION**

**MOTION:** Wayne Tlusty moved, seconded by Rosheen Styczinski, to reconvene in open session at 12:53 a.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE MONITORING REPORT CASE CLOSINGS CLASS I HEARING STIPULATIONS ADMINISTRATIVE WARNINGS**

None.

### **PENDING APPLICATIONS**

**MOTION:** Ruth G. Johnson moved, seconded by Wayne Tlusty, to deny registration as a landscape architect by comity for David Behrens and Todd J. Mosher. Motion carried unanimously.

**MOTION:** Rosheen Styczinski moved, seconded by Wayne Tlusty, to approve Ronald K. Peterson for registration as a landscape architect by examination based on experience examination and education. Motion carried unanimously.

**MOTION:** Ruth G. Johnson moved, seconded by Wayne Tlusty, to approve Allison Claire Eyring, John J. Gishnock, Ian J. Lamers, Katherine P. Moorman, Nathan J. Novak, Norma K. Runner and Timothy N. Thoelecke to sit for the landscape architects registration examination based on the recommendations of Ruth G. Johnson and Jay Fernholz's having reviewed the application files. Motion carried unanimously.

**MOTION:** Ruth G. Johnson moved, seconded by Rosheen Styczinski, to approve Jason B. Ney to sit for the landscape architects registration examination based on the recommendations of Ruth G. Johnson and Jay Fernholz's having reviewed the application files. Motion carried unanimously.

**APPLICATIONS REVIEWED ON APRIL 14, 2004**

The Section took the following action on applications.

**FOR REGISTRATION AS A LANDSCAPE ARCHITECT**

**1. By Examination**

- a. Granted
  - 1. Peterson, Ronald K

**2. By Comity**

- a. Intent to Deny
  - 1. Behrens, David
  - 2. Mosher, Todd J

**FOR LANDSCAPE ARCHITECT EXAMINATION**

- |                           |                         |
|---------------------------|-------------------------|
| a. Granted                | 5. Ney, Jason B         |
| 1. Eyring, Allison Claire | 6. Novak, Nathan J      |
| 2. Gishnock, John J       | 7. Runner, Norma K      |
| 3. Lamers, Ian J          | 8. Thoelecke, Timothy N |
| 4. Moorman, Katherine P   |                         |

**REINSTATEMENT REQUESTS  
EXAMINATION ISSUES**

**OTHER SUCH ITEMS AS AUTHORIZED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Ruth G. Johnson moved, seconded by Wayne Tlusty, to adjourn the meeting at 1:05 pm. Motion carried unanimously.

**NEXT MEETING: OCTOBER 7, 2004**